

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

July 25, 2002

TIME WARNER CABLE OF MAINE
Request for Advisory Ruling Regarding Pilot
Program

Docket No. 2000-285

TIME WARNER CABLE INFORMATION
SERVICE (MAINE), LLC
Petition For Finding of Public Convenience
& Necessity to Provide Local and Interexchange
Telecommunications Service

Docket No. 2002-241

ORDER EXTENDING
DEADLINE

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. BACKGROUND

On June 11, 2002, the Commission granted the request of Time Warner Cable Information Service (Maine), LLC (Time Warner) for an extension of the deadline set in Docket No. 2000-285 for Time Warner's pilot telephone service project to terminate. Previously, on May 3, 2002, Time Warner filed its application to become certified as a competitive local exchange carrier (CLEC) and as an interexchange carrier. After the June 11th extension was granted, a meeting was held with Commission staff, Time Warner and the Office of the Public Advocate (OPA) to discuss the Time Warner CLEC application.

At the meeting, Time Warner indicated that it had filed its CLEC application in May to meet the Commission's June 30th deadline for termination of the pilot project. In fact, Time Warner was not ready to terminate the pilot because it had not yet fully developed its permanent offering. Specifically, Time Warner indicated that it was in the process of securing a new arrangement for local connectivity and resolving technical and operational issues necessary to meet Maine statutes and Commission rules.

On July 3, 2002, Time Warner filed a request that the Commission grant an 8-month extension of the Pilot Program and hold its CLEC application in abeyance. Time Warner stated in its request that it would use the extension period to complete its connectivity arrangements and ensure that they complied with E911 requirements. Time Warner indicated that it would continue to adhere to the 1,000-customer limit governing the Pilot Program.

II. DECISION

We grant Time Warner's request for an 8-month extension of the Pilot Program and at the same time dismiss the CLEC application without prejudice to re-file. We accept Time Warner's assertions that it has been working diligently to address all of the issues necessary to turn the Pilot Program offering into a permanent offering that meets state statutes and Commission rules. We find it a more efficient use of our resources to wait until Time Warner's permanent offering is filed before we reach detailed findings regarding a Time Warner CLEC application. Finally, because the original terms of the Pilot Program will continue, we find that the public interest is not adversely affected by granting the extension.

With regard to the CLEC application, we find it more efficient to dismiss the current application without prejudice and have Time Warner file a new application with all of the updated information at the end of the Pilot rather than try to update the existing filing.

Accordingly, we

O R D E R

1. Grant Time Warner's request for an 8-month extension of its Pilot Program; and

2. Dismiss its Application for Authority to Provide Local and Interexchange Voice Service, Docket No. 2002-241, without prejudice.

Dated at Augusta, Maine, this 25th day of July, 2002.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent

COMMISSIONER ABSENT: Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.